

REMARKS

Applicants, in a phone call on October 28, 2004 with the Examiner, have clarified and confirmed with the Examiner that the Examiner's intended mapping between the Figures and the Species are as follows:

Figure 13 (showing one conditioning pad on one control arm) illustrates Species I;

Figure 17 (showing three conditioning pads on one control arm) illustrates Species II;
and

Figure 21 (showing one conditioning pad on each of three control arms) illustrates Species III.

Applicants' responses are premised on this understanding.

Applicants provisionally elect Species I as illustrated e.g. by Figure 13 for prosecution on the merits with transversal, if no generic claim is held allowable. Applicants further identify Claims 1-24 as reading on Species I as shown by Figure 13. However, Claims 1-24 are generic and as such are identified by Applicants as reading on Species II as shown by Figure 17 and Species III as shown by Figure 21.

Applicants have added Claims 25-33 as Species specific claims. Applicants identify Claims 25, 29 and 31 as reading on Species I as shown by Figure 13; Applicants identify Claims 26, 30 and 32 as reading on Species II as shown by Figure 17; and, Applicants identify Claims 27, 31 and 33 as reading on Species III as shown by Figure 21.

Examiner has also required the election of a number of subspecies and sub-subspecies represented by Figures 23 through 24. In response, Applicants respectfully acknowledge the Examiner's requirement, however the requirement is moot, as there are no sub-specie claims that are merely directed towards either the illustration of Figure 23 or 24, and not both at the same time.

Additionally, Applicants have amended Claims 7, 8, 10, 11, 15-18 by replacing "conditioning piece" with "cylindrical conditioning piece" to clarify the antecedent basis. The applicants assert, however, that these amendments are made for purposes of clarity only and should not be construed as altering the subject matter or the scope of the claims. Similarly, Applicants have amended Claims 19-21 by replacing "arm" with "control arm" to clarify the antecedent basis. The applicants assert, however, that these amendments are also


made for purposes of clarity only and should not be construed as altering the subject matter or the scope of the claims.

CONCLUSION

The Commissioner is hereby authorized to charge shortages or credit overpayments to Deposit Account No. 500393.

Respectfully submitted,
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